

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STEVEN J. COLE, II,

Plaintiff,

Civil Case No. 19-13299  
Honorable Linda V. Parker

v.

SCOTT BUCKNER,

Defendant.

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**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S JANUARY  
11, 2021 REPORT AND RECOMMENDATION AND DISMISSING  
PLAINTIFF'S COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL  
PROCEDURE 41(b)**

Plaintiff commenced this lawsuit against Defendant on November 8, 2019.

The matter has been assigned to Magistrate Judge Curtis Ivy, Jr. for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On January 11, 2021, Magistrate Judge Ivy issued a report and recommendation ("R&R") recommending that the Court dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 41(b) due to Plaintiff's failure to keep his address updated. (ECF No. 23.) At the conclusion of the R&R, Magistrate Judge Ivy advises the parties that they may object to and seek review of

the R&R within fourteen days of service upon them. (*Id.* at Pg ID 81.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Ivy. A court cannot litigate a plaintiff’s complaint where mail to the plaintiff is repeatedly returned as undeliverable and the court has no means to contact the party. The Court therefore adopts the R&R.

Accordingly,

**IT IS ORDERED** that Plaintiff’s Complaint is **DISMISSED WITH PREJUDICE.**

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: April 30, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 30, 2021, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan  
Case Manager